



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

APR 25 2008

Mr. Mark Yannett  
Senior Project Manager  
Strategic Services & Product Sustainability  
ERM, Inc.  
700 W. Virginia Street  
Suite 601  
Milwaukee, WI 53204  
Ref. No. 08-0065

Dear Mr. Yannett:

This is in response to your March 10, 2008 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers.

In your letter, you state that you client transports "Sulfuric acid *with not more than 51% acid*," (UN2796) by highway with other materials not subject to the HMR. You ask whether the requirements specified under § 172.201(a)(1)(ii) and (iii) apply if the shipping description of the hazardous material is the first entry on the shipping paper as required by § 172.201(a)(1)(i).

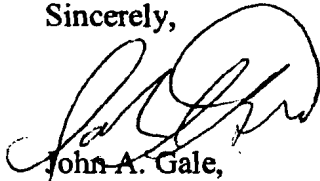
The answer is no. Section 172.201(a)(1) authorizes hazardous and non- hazardous materials to be described on the same shipping paper provided that the hazardous material description entry:

- (1) is entered first (§ 172.201(a)(1)(i)); **or**
- (2) is entered in a color that clearly contrasts with any description on the shipping paper of a non-hazardous material § 172.201(a)(1)(ii); **or**
- (3) is identified by the entry of an "X" placed before the proper shipping name in a column captioned "HM." The "X" may be replaced by "RQ," is appropriate (§ 172.201(a)(1)(iii)).

You also ask whether there are any load-specific conditions, such as a shipment in a quantity requiring a placard, that would require an "X" in the HM Column as specified in § 172.201(a)(1)(iii). There are no load-specific conditions that would require an "X" in the HM Column as specified in § 172.201(a)(1)(iii).

I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale", written over a horizontal line.

John A. Gale,  
Chief, Standards Development  
Office of Hazardous Materials Standards

Foster  
§172.102

Drakeford, Carolyn <PHMSA>

**From:** Mark Yannett [Mark.Yannett@erm.com]  
**Sent:** Monday, March 10, 2008 2:23 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** RE: Information Center Comments/Questions

§172.201  
Shipping Papers  
08-0065

Many thanks to the quick response -- your e-mail inquiry system works very well...

Below is my contact information ...

Thanks again,

Mark Yannett  
Senior Project Manager  
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-----Original Message-----

From: INFOCNTR@dot.gov [mailto:INFOCNTR@dot.gov]  
Sent: Monday, March 10, 2008 1:19 PM  
To: carolyn.drakeford@dot.gov  
Cc: Mark Yannett  
Subject: FW: Information Center Comments/Questions

Carolyn,  
This gentleman would like an official written letter of interpretation on the issue discussed below.

Thanks,  
Rob

-----Original Message-----

From: mark.yannett@erm.com [mailto:mark.yannett@erm.com]  
Sent: Monday, March 10, 2008 1:58 PM  
To: INFOCNTR <PHMSA>  
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by Mark Yannett (mark.yannett@erm.com) on Monday, March 10, 2008 at 13:58:15.

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Email: mark.yannett@erm.com

Name: Mark Yannett

Category: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

Organization: ERM, Inc.

State: Wisconsin

Phone: 414-977-4711

Comments: The following is a request on behalf of my client for your interpretation of the current text from the published USDOT HMR related to requirements in 49 CFR 172.201 for preparation of Shipping Papers.

For purposes of this request, please consider the following context for the same, single shipment to which 49 CFR 172.201(a) reflects:

"UN2796 Items" - proper fill-volume of acid in polyethylene bottles in a shipping carton offered as regulated hazardous material for highway-mode transport (not Small Quantity, Limited Quantity or ORM-D).

"Other Items" - goods shipped as non-hazardous or otherwise not regulated per the HMR, such as a dry battery, in a shipping carton offered for highway-mode transport.

At question for this shipping context is:

1. If the shipping descriptions on the Bill of Lading are placed in an order of information according to 49 CFR 172.201(a) (1)(i), such that

UN2796 Items are listed above the Other Items, then is it correct that listing options in 172.201(a)(1)(ii) and (iii) do not apply?

2. If the shipping descriptions on the Bill of Lading meet 49 CFR 172.201(a)(1)(i), are there any load-specific conditions that trigger the need to simultaneously mark the HM-Column with an "X" per 49 CFR 172.201(a)(1)(iii), such as if the quantity of UN2796 Items exceeds

1,001 lbs and the load must be placarded?

Please reply via a written, e-mail response to my attention. Thank you.

This message contains information which may be confidential, proprietary, privileged, or otherwise protected by law from disclosure or use by a third party. If you have received this message in error, please contact us immediately and take the steps necessary to delete the message completely from your computer system. Thank you.

Please visit ERM's web site: <http://www.erm.com>